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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,641	04/19/2006	Michele Giudilli	Q92570	2128
23373 7590 08/13/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER CHEN, GEORGE YUNG CHIEH	
			ART UNIT 4115	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/564,641

**Applicant(s)**

GIUDILLI, MICHELE

**Examiner**

George Chen

**Art Unit**

4115

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☒ Claim(s) 5-27 and 29-33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date 01/13/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is a non-final action in response to application filed on 04/19/2006. Claims 1-37 are pending.

#### ***Priority***

The priority claim over PCT/IT04/00386 was not entered because the PCT application is considered abandoned as of the expiration date of 30 months from the priority date. MPEP 1893.02 states that "If the requirements for the submission of the basic national fee and a copy of the international application (if necessary) prior to the expiration of 30 months from the priority date are not satisfied, then the international application becomes abandoned as to the United States at thirty months from the priority date."

The U.S. Basic National Fee was filed on 04/19/2006 and is not within the 30 month period set forth in the MPEP 1893.02.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 01/13/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Specification***

The use of the trademark Daemon has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Please review the disclosure in its entirety to correct any additional informality as noted above.

***Claim Objections***

Claims 5-27, 29-33 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *should refer to other claims in the alternative only and cannot depend from any other multiple dependent claim*. See MPEP § 608.01(n). The claims been treated on the merits at best of the Examiner's knowledge.

Claims 1, 20, 21, and 29 contain (CP) and (Domain Name System); the examiner is unable to find the referenced items in the drawing. See MPEP 608.01(m).

Please review the claims in its entirety to correct any additional informality as noted above.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 23, 28, 30, 31, 32, 33, 35, 37 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.**

As per claim 23, 28, 30, and 32, the Applicant discloses steps A, B, and/or C; these limitations lack antecedent basis because none of steps A, B, and/or C are disclosed in either their independent claims or previously in the claims, therefore rendering the claims indefinite.

MPEP 2173.05(p) states a single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph. *Holdings v. Amazon.com, Inc.*, 430 F.2d 1377, 1384, 77 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990).

As per claim 31, 33, 35, 37, the Applicant discloses apparatus claim which are dependent from method claims and therefore rendering the claims indefinite. See MPEP 2173.05(p).

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 29, 30, 32, 34, and 36 are rejected under 35 U.S.C. 101 as being non-statutory subject matter.**

In order for a method to be considered a "process" under §101, a claimed process must either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter.

Claims 29, 30, 32, 34, and 36 disclose file and programs; neither is tied to another statutory class or transform underlying subject matter; thus rendering the claims non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-14, 18, 20-26, 28-37 are rejected under 35 U.S.C. 102(b) [or 102(e) upon clarification of priority] as being anticipated by Mehta et al. (hereinafter Mehta, U.S. 2002/0128984 A1).**

As per claim 1, Mehta discloses method for charging costs of enjoying contents transmitted over a telecommunications network, preferably the Internet network, wherein chargeable contents, in the shape of one or more digital documents or files, are transmitted from at least one server (3) of a Contents Provider (or CP), which a user accesses by means of a computer (4) connected to said at least one server (3) through the telecommunications network, a gateway system (2, 5, 7) carrying out the checks for authorisation of the user's access to the chargeable contents, an electronic wallet (5) performing operations of charging costs to a user's account, the method being characterised in that it preliminarily associates one or more additional information related to file charging criteria with each chargeable file, and in that it comprises the following steps:

- ✓ A. at each transmission of at least one portion of a chargeable file from said at least one server (3) of the CP to the user's computer (4), reading and interpreting said additional information associated with the file (0006, the PBBS determines and provides billing and tracking code to automatically track billing information on packet level);
- ✓ B. transmitting to the user's computer (4) said at least one portion of the chargeable file (0006, the amount of data sent/received across the network); and
- ✓ C. transmitting to the electronic wallet (5) data related to charging as a function of said additional information associated with the file (0006, the PBBS provides billing code to track billing information).

As per claim 2, Mehta further discloses method according to claim 1, characterised in that the electronic wallet is integrated into the gateway system (5) (0005, PBBS enables content providers to bill clients for the use of services).

As per claim 3, Mehta further discloses Method according to claim 1, characterised in that the electronic wallet is integrated into the user's computer (4) (0007, accumulate billing data on the client device).

As per claim 4, Mehta further discloses Method according to any one of the preceding claims, characterised in that at least one part of steps A, B, and C is performed by a routing electronic apparatus or router (1) (0007, to post data to a server, such as a proxy server).

As per claim 5, Mehta further discloses Method according to any one of the preceding claims, characterised in that said additional information associated with each chargeable file comprise:

- ✓ a file type, preferably according to MIME encoding, and/or
- ✓ a charging mode preferably selected from the group comprising start charge, end charge, and charge during streaming, and/or
- ✓ a tariff unit, preferably selected from the group comprising packet unit, document unit, flat rate unit, and/or
- ✓ a tariff unit cost, and/or a tariff unit interval for charging, and/or
- ✓ a user's identification code (0005, billing code), and/or
- ✓ a CP identification code, and/or
- ✓ a file title or identifier.

As per claim 6, Mehta further discloses method according to any one of the preceding claims, characterised in that said at least one chargeable file portion transmitted in step A is included in a data packet (0008, the code is incorporated into the content).

As per claim 7, Mehta further discloses Method according to any one of the preceding claims, characterised in that said additional information associated with each chargeable file are directly encoded in the chargeable file and/or are included in an auxiliary file associated with the chargeable file (0008, the code is incorporated into the content).



As per claim 8, Mehta further discloses Method according to any one of the preceding claims, characterised in that said at least one chargeable file portion and said associated additional information are encoded in a transmission protocol (0008, the code is placed in a driver and interfaces directly to a proxy server).

As per claim 9, Mehta further discloses Method according to any one of the preceding claims, characterised in that step C is performed immediately before start of transmission of step B or immediately after the end of transmission of step B or periodically during transmission of step B (0035, contend modifier instead of inserting code into the content, generates billing events directly and sends them to a proxy/billing server).

As per claim 10, Mehta further discloses Method according to any one of the preceding claims, characterised in that it further comprises the following step: D. at each transmission of at least one chargeable file portion from said at least one CP server (3) to the users computer (4), reading and/or recording data related to charging as a function of said additional information associated with the file (0027, after system retrieves content, determine type billing tracking code needs to be inserted).

As per claim 11, Mehta further discloses Method according to claim 10, characterised in that step C is periodically performed independently from time periods of transmission of step B (0049, when accumulated amount of data being received corresponds to the incorporated routine for the frequency/routine for posting billing data, then billing data is posted).

As per claim 12, Mehta further discloses Method according to claim 10 or 11, when depending on claim 4, characterised in that step D is performed by the router (1) (0007, to post data to a server, such as a proxy server).

As per claim 13, Mehta further discloses Method according to any one of the preceding claims, characterised in that the gateway system (2, 5, 7) comprises a first gateway apparatus (2) (0005, PBBS enables contend providers to bill clients for the use of services).

As per claim 14, Mehta further discloses Method according to claim 13, characterised in that the gateway system (2, 5, 7) is distributed and comprises at least a second gateway apparatus (5, 7) connected to the first gateway apparatus (2) (0041, PBBS may be implemented in a distributed environment that is comprised of multiple networks).

As per claim 18, Mehta further discloses Method according to any one of the preceding claims, characterised in that in step B information related to cost and/or to the status of chargeable file transmission are transmitted to the user's computer (4) (0007, accumulate billing data on the client device).

As per claim 20, Mehta further discloses Method according to claim 4 or any one of claims 5-19, when depending on claim 4, characterised in that the router (1) reads and interprets a user's digital identity for locating, through a gateway search system using at least one DNS

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(Domain Name System) function, an IP address of the gateway system (2, 5, 7) corresponding to the user's one, the router (1) forwarding to the gateway system (2, 5, 7) the authentication request and carrying out charging of contents uses enjoyed by the user accessing by means of the computer (4) (0009, security key is inserted to enable the billing tracking code to identify to a proxy server to prevent misappropriation and billing data).

As per claim 21, Mehta discloses System for charging costs of enjoying contents transmitted over a telecommunications network, preferably the Internet network, comprising at least one server (3) of a Contents Provider (or CP), **apt to** transmit chargeable contents, in the shape of one or more digital documents or files (0007, proxy server), one or more computers (4) by means of which one or more users access said at least one server (3) (Fig. 1, item 101), a gateway system (2, 5, 7) , **apt to** carry out checks of authorisation of user's access to the chargeable contents and operations of charging costs to a user's account, the system being **characterised in that** it performs the method for charging costs of enjoying contents transmitted over a telecommunications network according to any one of the preceding claims 1-20 (0005, PBBS enables contend providers to bill clients for the use of services).

As per claim 22, Mehta further discloses System according to claim 21, characterised in that said at least one server (3) is provided with a plug-in or daemon software, interfacing the http server program that associates said additional information related to file charging criteria with each chargeable file (0006, the PBBS provides billing code to track billing information).

As per claim 23, Mehta further discloses System according to claim 21 or 22, characterised in that said at least one server (3) performs steps A, B, and C of the method **for** charging costs of enjoying contents transmitted over a telecommunications network according to any one of claims 1-3, or according to any one of claims 5-20, when not depending on claim 4 (0006, the PBBS provides billing code to track billing information).

As per claim 24, Mehta further discloses System according to claim 21 or 22, characterised in that it further comprises a routing electronic apparatus or router (1), comprising a processing unit, one or more memory units, one or more input/output interfaces, **apt to** connect to said at least one server (3), to the gateway system (2, 5, 7), and to said one or more computers (4), and **apt to** perform steps A, B, and C of the method **for** charging costs of enjoying contents transmitted over a telecommunications network according to claim 4 or according to any one of claims 5-20, when depending on claim 4 (Fig. 4, item 423, 424, and 421, and 410, CPU, input/output device, memory, and network).

As per claim 25, Mehta further discloses System according to any one of claims from 21 to 24, characterised in that the gateway system (2, 5, 7) comprises a first gateway apparatus (2) (0006, PBBS).

As per claim 26, Mehta further discloses System according to claim 25, characterised in that the gateway system (2, 5, 7) is distributed and comprises at least a second gateway apparatus

(5, 7) connected to the first gateway apparatus (2) (0041, PBBS may be implemented in a distributed environment that is comprised of multiple networks).

As per claim 28, Mehta discloses Routing electronic apparatus or router (1), comprising a processing unit (Fig. 4, item 423, CPU), one or more memory units (Fig. 4, item 421, memory), one or more input/output interfaces, characterised in that it is **apt to** be used in a system **for** charging costs of enjoying contents transmitted over a telecommunications network according to claim 24 or any one of claims from 25 to 27, when depending on claim 24, wherein the router (1) is **apt to** connect to said at least one server (3), to the gateway system (2, 5, 7), and to said one or more computers (4), and it is **apt to** perform steps A, B, and C of the method **for** charging costs of enjoying contents transmitted over a telecommunications network according to claim 4 or any one of claims 5-20, when depending on claim 4 (Fig. 4, item 424, input/output devices).

As per claim 29, Mehta discloses Electronic document or file, apt to be transmitted by at least one server (3) of a Contents Provider (or CP) in exchange of a payment according to the method for charging costs of enjoying contents transmitted over a telecommunications network according to any one of the preceding claims 1-20, and in that it is provided with said additional information associated with it (0006, billing data).

As per claim 30, Mehta discloses Computer program characterised in that it comprises code means adapted to execute, when running on at least one computer, steps A, B, and C of the method for charging costs of enjoying contents transmitted over a telecommunications network

according to any one of the preceding claims 1-20 (0006, the PBBS provides billing code to track billing information).

As per claim 31, Mehta discloses Memory medium, readable by a computer, storing a program, **characterised in that** the program is the computer program according to claim 30 (Fig. 4, item 421, memory).

As per claim 32, Mehta discloses Computer program characterised in that it comprises code means adapted to execute, when running on a router (1), step A of the method for charging costs of enjoying contents transmitted over a telecommunications network according to any one of the preceding claims 1-20 (0006, the PBBS provides billing code to track billing information).

As per claim 33, Mehta discloses Memory medium, readable by a computer, storing a program, **characterised in that** the program is the computer program according to claim 32 (Fig. 4, item 421, memory).

As per claim 34, Mehta discloses Computer program characterised in that it comprises code means adapted to execute, when running on at least one server (3) of a Contents Provider (or CP) apt to transmit one or more chargeable file, the operation of association of one or more additional information related to file charging criteria with each chargeable file (0006, the PBBS provides billing code to track billing information).

As per claim 35, Mehta discloses Memory medium, readable by a computer, storing a program, **characterised in that** the program is the computer program according to claim 34 (Fig. 4, item 421, memory).

As per claim 36, Mehta discloses Computer program **characterised in that** it comprises code means adapted, when running on at least one computer, to interface to the http server of the server (3) and to re-address the authentication requests of at least one user and the data flow towards the router (1) of which it has stores the IP address (0036, an application server may distribute network traffic in a particular manner or reserve particular servers for application/user combinations).

As per claim 37, Mehta discloses Memory medium, readable by a computer, storing a program, **characterised in that** the program is the computer program according to claim 36 (Fig. 4, item 421, memory).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 15, 16, 17, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehta in view of Milsted et al. (hereinafter Milsted, U.S. 6345256 B1).**

As per claim 15, discloses Method according to claim 14, characterised in that the gateway system (2, 5, 7) but does not explicitly disclose operates according to the mechanism of clearing houses used in financial environment. Milstead teaches operation in accordance with clearing house mechanism (Fig. 9, step 105, clearing-house).

Therefore, it would have been obvious for someone with ordinary skill in the art at the time of the invention to combine gateway system with operation in accordance with clearing house mechanism for the purpose to track usage of content data and accurately charge for the amount of resource one consumes (Mehta: 0004; Milsted: column 6, line 34-47).

As per claim 16, Mehta discloses Method according to any one of the preceding claims, characterised in that the gateway system (2, 5, 7) but does not explicitly disclose operates as escrow between the server (3) and the user accessing by means of the computer (4). Milstead teaches operating as escrow (Fig. 9, step 105, clearing-house).

Therefore, it would have been obvious for someone with ordinary skill in the art at the time of the invention to combine gateway system with operating as escrow for the purpose to track usage of content data and accurately charge for the amount of resource one consumes (Mehta: 0004; Milsted: column 6, line 34-47).

As per claim 17, Mehta discloses Method according to claim 4 or any one of claims 5-16, when depending on claim 4, characterised in that the router (1) but does not explicitly disclose operates as escrow between the server (3) and the user accessing by means of the computer (4). Milstead teaches operating as escrow (Fig. 9, step 105, clearing-house).



Therefore, it would have been obvious for someone with ordinary skill in the art at the time of the invention to combine gateway system with operating as escrow for the purpose to track usage of content data and accurately charge for the amount of resource one consumes (Mehta: 0004; Milsted: column 6, line 34-47).

As per claim 27, Mehta discloses System according to claim 26, **characterised in that** the gateway system (2, 5, 7) but does not explicitly disclose operates according to the mechanism of clearing houses used in financial environment. Milstead teaches operation in accordance with clearing house mechanism (Fig. 9, step 105, clearing-house).

Therefore, it would have been obvious for someone with ordinary skill in the art at the time of the invention to combine gateway system with operation in accordance with clearing house mechanism for the purpose to track usage of content data and accurately charge for the amount of resource one consumes (Mehta: 0004; Milsted: column 6, line 34-47).

**Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mehta.**

As per claim 19, Mehta discloses Method according to any one of the preceding claims, characterised in that the user is apt to access two or more servers (3) by means of the computer (4) by inputting data registered in the gateway system (2, 5, 7) which define a sole user's digital identity recognised as valid for all said two or more servers (3) (0007, content modifier that analyzes the content to determine location and identity of calls and replace these calls by proxy calls that contains the billing tracking code). Mehta, however, does not explicitly disclose allowing multiple login. Mehta discloses identifying location and identity of user requesting

content (0007, content modifier that analyzes the content to determine location and identity of calls and replace these calls by proxy calls that contains the billing tracking code).

Therefore, it would have been obvious for one with ordinary skill in the art at the time of the invention to make the obvious variation of identifying location and identity of user requesting content to allowing multiple login.

Please Note:

A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *e.g. In re Collier*, 158 USPQ 266, 267 (CCPA 1968)(where the court interpreted the claimed phrase “a connector member for engaging shield means” and held that the shield means was not a positive element of the claim since “[t]here is no positive inclusion of ‘shield means’ in what is apparently intended to be a claim to structure consisting of a combination of elements.” And See *e.g. In re Collier*, 158 USPQ 266, 267-68 (CCPA 1968)(where the court interpreted the claimed phrase “said ferrule-forming member being crimpable onto said shield means” and held that the shield means was not a positive element of the claim since “[t]here is no positive inclusion of ‘shield means’ in what is apparently intended to be a claim to structure consisting of a combination of elements.... “[t]he ferrule or connector member is crimpable but not required, structurally, to be crimped .... These cannot be regarded as structural limitations and therefore not as positive limitations in a claim directed to structure. They cannot therefore be relied on to distinguish from the prior art.”)

Examiner has marked examples of intended use language in bold as a courtesy to the Applicant.

MPEP 608.01(m) states the use of reference character is to be considered as having no effect on the scope of the claims.

For instance, claim 1 makes reference to server (3).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Chen whose telephone number is (571)270-5499. The examiner can normally be reached on Mon-Thu 6:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on 571-272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

G.C.

/Bradley B Bayat/  
Supervisory Patent Examiner, Art Unit 4115